IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

LA.App..No. 275 of 2006()

LAR.107/1994 of ADDL.SUB COURT,KOLLAM
.....

APPELLANT: RESPONDENT

STATE OF KERALA.

BY GOVERNMENT PLEADER SRI. K.V. MANOJ KUMAR

RESPONDENT: CLAIMANT

KRISHNAN LEKSHMANAN,
THANCHANTAZHIKATHU, KILIKOLLOOR CHERRY,
KILIKOLLOOR.

BY ADV. SRI.RAJA VIJAYARAGHAVAN
SRI.M.T.SURESH KUMAR

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 04/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER IN I.A.NO.820 OF 2006 IN L.A.A.NO.275 OF 2006.

DISMISSED

4.12.2007 Sd/-(KURIAN JOSEPH, JUDGE)

Sd/-(HARUN-UL-RASHID, JUDGE)

KURIAN JOSEPH & HARUN-UL-RASHID,JJ.

L.A.A. NO. 275 OF 2006

Dated this the 4th day of December, 2007

JUDGMENT

Kurian Joseph, J.

This appeal is filed against the judgment in L.A.R. No.107 of 1994 on the file of the Additional Sub Court, Kollam. Acquisition was for the National Highway Bye Pass. The extent of the property involved is 1.35 Ares. On the basis of the fixation in Ext.A1 - judgment in L.A.R. No.64 of 1996 , the reference court fixed land value at Rs.24,700/- per Are.

2. The learned Government Pleader submits that the property in Ext.A1 is in a different village and hence that value cannot be followed. But, it is brought to our notice that the acquired property is very near to the property in Ext.A1. The locational advantages are also discussed in the judgment, that is, the property is very near to T.K.M. Engineering College, Arts College, Banks, Electricity Office, Telephone Exchange, Post Office, etc. There is no contrary evidence. In that view of the matter, we do not

find any justification in interfering with the land value fixed by the reference court.

The appeal is dismissed.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

sp/

KURIAN JOSEPH &
HAURN-UL-RASHID, JJ.

L.A.A.NO

JUDGMENT

4TH DECEMBER, 2007